

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Christopher E. Lamb
Debtor(s)

Bankruptcy Case No.: 19-11031-TPA
Per May 5, 2020 Proceeding
Chapter: 13
Docket No.: 38 – 11, 26
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 22, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: 1) Fee Application needed if fees (including retainer) exceed \$4,000.00 including any fees paid to prior Counsel.
2) MidFirst Bank (Claim No. 12) governs as a pay in full with ongoing escrow of \$209.47 per month.
3) The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified Plan interest in a monthly amount to be determined by Trustee to pay in full: Americo Federal Credit Union (Claim No. 6-2).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: May 7, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Christopher E. Lamb
 Debtor

Case No. 19-11031-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 29

Date Rcvd: May 07, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 09, 2020.

db +Christopher E. Lamb, 460 West 7th Street, Erie, PA 16502-1329
 cr +Americo FCU, 4101 Main Street, Erie, PA 16511-1967
 sp +Michael W. Harmon, Shapira, Hutzelman & Smith, 305 West Sixth Street, Erie, PA 16507-1244
 15138193 +ACL, 1526 Peach Street, Erie, PA 16501-2110
 15138194 +Americo Federal Cred, 4108 Main St, Erie, PA 16511-1968
 15161163 +Americo Federal Credit Union, 4101 Main Street, Erie, PA 16511-1967
 15138195 +Ashwini Rojiwadia, Esquire, Zwicker & Associates, PC, 3220 Tillman Drive,
 Bensalem, PA 19020-2028
 15138198 +Citibank, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 15151289 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
 15172252 +MidFirst Bank, 999 Northwest Grand Boulevard, Oklahoma City, OK 73118-6051
 15138202 +Midland Mortgage Co, Attn: Customer Service/Bankruptcy, Po Box 26648,
 Oklahoma City, OK 73126-0648
 15138203 +Northwest Bank, Attn: Bankruptcy, Po Box 128, Warren, PA 16365-0128
 15138204 +Sunrise Credit Services, Inc., Attn: Bankruptcy, 260 Airport Plaza,
 Farmingdale, NY 11735-4021
 15168546 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15168660 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 08 2020 02:51:30
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15138196 +E-mail/Text: g20956@att.com May 08 2020 02:49:06 AT&T, PO Box 6416,
 Carol Stream, IL 60197-6416
 15170123 +E-mail/Text: g20956@att.com May 08 2020 02:49:06 AT&T Mobility II LLC,
 %AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104,
 BEDMINSTER, NJ. 07921-2693
 15138199 E-mail/Text: mrdiscen@discover.com May 08 2020 02:48:54 Discover Financial,
 Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850
 15140202 E-mail/Text: mrdiscen@discover.com May 08 2020 02:48:54 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15138200 E-mail/Text: sbse.cio.bnc.mail@irs.gov May 08 2020 02:48:55 Internal Revenue Service,
 PO Box 21125, Philadelphia, PA 19114
 15138197 E-mail/PDF: ais.chase.ebn@americaninfosource.com May 08 2020 02:51:29 Chase Card Services,
 Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
 15145883 E-mail/PDF: resurgentbknofications@resurgent.com May 08 2020 02:51:31 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15138201 +E-mail/PDF: resurgentbknofications@resurgent.com May 08 2020 02:51:31
 LVNV Funding/Resurgent Capital, Attn: Bankruptcy, Po Box 10497,
 Greenville, SC 29603-0497
 15138776 +E-mail/PDF: gecsed@recoverycorp.com May 08 2020 02:52:04 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15138205 +E-mail/PDF: gecsed@recoverycorp.com May 08 2020 02:51:28 Synchrony/CareCredit,
 Attn: Bankruptcy, Po Box 965061, Orlando, FL 32896-5061
 15138206 +E-mail/Text: BankruptcyNotice@upmc.edu May 08 2020 02:49:07 UPMC Hamot, 201 State Street,
 Erie, PA 16550-0001
 15166395 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 08 2020 02:52:06 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
 15138207 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 08 2020 02:48:52
 Verizon Wireless, Attn: Bankruptcy, 500 Technology Dr, Ste 550,
 Weldon Spring, MO 63304-2225

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr MidFirst Bank
 15138208* +ACL, 1526 Peach Street, Erie, PA 16501-2110
 15138211* +AT&T, PO Box 6416, Carol Stream, IL 60197-6416
 15138209* +Americo Federal Cred, 4108 Main St, Erie, PA 16511-1968
 15138210* +Ashwini Rojiwadia, Esquire, Zwicker & Associates, PC, 3220 Tillman Drive,
 Bensalem, PA 19020-2028
 15138213* +Citibank, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 15138214* +DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025
 (address filed with court: Discover Financial, Attn: Bankruptcy Department, Po Box 15316,
 Wilmington, DE 19850)
 15138215* +INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346
 (address filed with court: Internal Revenue Service, PO Box 21125, Philadelphia, PA 19114)
 15138212* +JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,
 MONROE LA 71203-4774
 (address filed with court: Chase Card Services, Attn: Bankruptcy, Po Box 15298,
 Wilmington, DE 19850)
 15138216* +LVNV Funding/Resurgent Capital, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 29

Date Rcvd: May 07, 2020

***** BYPASSED RECIPIENTS (continued) *****

15138217* +Midland Mortgage Co, Attn: Customer Service/Bankruptcy, Po Box 26648,
Oklahoma City, OK 73126-0648
15138218* +Northwest Bank, Attn: Bankruptcy, Po Box 128, Warren, PA 16365-0128
15138219* +Sunrise Credit Services, Inc., Attn: Bankruptcy, 260 Airport Plaza,
Farmingdale, NY 11735-4021
15138220* +Synchrony/CareCredit, Attn: Bankruptcy, Po Box 965061, Orlando, FL 32896-5061
15138221* +UPMC Hamot, 201 State Street, Erie, PA 16550-0001
15138222* +Verizon Wireless, Attn: Bankruptcy, 500 Technology Dr, Ste 550,
Weldon Spring, MO 63304-2225

TOTALS: 1, * 15, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 09, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 7, 2020 at the address(es) listed below:

Edwin W. Smith on behalf of Creditor Americo FCU esmith@shapiralaw.com
James Warmbrodt on behalf of Creditor MidFirst Bank bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Rebeka Seelinger on behalf of Debtor Christopher E. Lamb rebeka@seelingerlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5